

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-788*

13 **KATHERINE LEE ROACH,**
14 **AKA KATHERINE LEE GARRY**
15 **452 East 3050 N**
Provo, Utah 84604

A C C U S A T I O N

16 **Registered Nurse License No. 487925**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about March 31, 1993, the Board of Registered Nursing issued Registered
25 Nurse License Number 487925 to Katherine Lee Roach, also known as Katherine Lee Garry
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and expired on December 31, 2012, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent
6 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
7 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
8 Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
11 against the licensee or to render a decision imposing discipline on the license. Under section
12 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

13 **STATUTORY PROVISIONS**

14 6. Section 2761 of the Code states:

15 The board may take disciplinary action against a certified or licensed
16 nurse or deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the
18 following:

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20 (4) Denial of licensure, revocation, suspension, restriction, or any
21 other disciplinary action against a health care professional license or certificate by
22 another state or territory of the United States, by any other government agency, or
23 by another California health care professional licensing board. A certified copy of
24 the decision or judgment shall be conclusive evidence of that action.

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26 **COST RECOVERY**

27 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request
28 the administrative law judge to direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Out of State Discipline)

3 8. Respondent has subjected her Registered Nurse License to disciplinary action
4 under Code section 2761, subdivision (a)(4), in that her Utah registered nurse license was
5 disciplined pursuant to Utah Code Annotated (UCA), section 63G-4-102, subdivision (4), by the
6 State of Utah Department of Commerce Division of Occupational and Professional Licensing
7 (Utah Licensing Division) in a disciplinary action, which resulted in her professional license
8 number 7914260-3102, previously issued in the name Katherine Lee Roach, to practice
9 registered nursing in the State of Utah to be revoked. The circumstances are as follows.

10 9. On April 5, 2011, Respondent was first licensed as a registered nurse in the State
11 of Utah.

12 10. On July 27, 2011, pursuant to Utah Administrative Code (UAC) section R156-1-
13 102, subdivision (6) and UCA section 58-1-401, subdivision (2), the Utah Licensing Division
14 considered, accepted, and approved an Order in a disciplinary action against Respondent's
15 registered nurse license in a matter entitled, *In the Matter of the License of Katherine Lee Roach*
16 *to Practice as a Registered Nurse in the State of Utah*, Stipulation and Order Case No. DOPL
17 2011-244, finding Respondent to have engaged in unprofessional conduct as defined in UCA
18 section 58-1-501, subdivision (2)(a), subdivision (2)(e), and subdivision (2)(h), and UCA section
19 58-31b-502, subdivision (5), and unlawful conduct as defined in UCA section 58-37-8,
20 subdivision (2)(a)(i). Hence, the Utah Licensing Division revoked Respondent's registered nurse
21 license, with the revocation immediately stayed, and the license to be suspended for at least six
22 months and until respondent successfully completes a chemical dependency evaluation.
23 Thereafter, upon lifting of the suspension Respondent's license will be subjected to probation for
24 a period of five years.

25 11. The facts that led to the discipline are as follows. On May 19, 2011, Respondent
26 was observed by staff members at her place of employment to be working as a nurse while
27 impaired. Respondent was found to have vials of morphine, a Schedule II controlled substance,
28 Midazolam, a Schedule IV controlled substance, and hydromorphone, a Schedule II controlled

1 substance in her possession. Respondent did not have authorization or a valid prescription for
2 any of those three controlled substances. The contents of the vials were tested at the request of
3 Respondent's employer and it was determined that these vials contained saline rather than the
4 respective controlled substances that the vial labels represented. At the direction of her employer,
5 Respondent submitted to drug testing, which tested positive for recent ingestion of
6 hydromorphone and morphine. Respondent did not have a valid prescription for hydromorphone
7 or morphine and had not been lawfully administered the drugs by a prescribing practitioner. On
8 July 5, 2011, Respondent admitted to diverting the three controlled substances for her own use.

9 12. On July 15, 2011, pursuant to UCA sections 63G-4-301 through 63G-4-405 and
10 UAC sections R151-46b-12 through R151-46b-15, Respondent waived her rights to a hearing,
11 any administrative and judicial review, and the issuance of a Petition and a Notice of Agency
12 Action in the matter. Corollary to Respondent's waiver was her concurrence with the Stipulation
13 and Order, which constitutes the entire agreement, classified a public document, between the
14 Utah Licensing Division and Respondent.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 487925, issued to
19 Katherine Lee Roach, also known as Katherine Lee Garry;

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1 2. Ordering Katherine Lee Roach to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: MARCH 18, 2013


9 *fr* LOUISE R. BAILEY, M.ED., RN
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 *Complainant*

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